UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MERVIN MUNIZ,	:	
Petitioner,	:	Civil Action No. 13-0178 (MAS)
	:	
v.	:	**MEMORANDUM AND ORDER**
	:	
JOHN POWELL, et al.,	:	
Respondents.	:	

THIS MATTER having come before the Court on Petitioner Mervin Muniz's Petition for

Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Presently before the Court is Petitioner's

letter regarding his *in forma pauperis* ("IFP") status, or the lack thereof. (ECF No. 28.) It

appearing that:

1. On April 23, 2013, the Court denied Petitioner's initial IFP application for failure to submit

a proper application as required by L. Civ. R. 81.2(b). (ECF No. 5.) Instead of curing the defective

application, Petitioner submitted the five-dollar filing fee, allowing the matter to proceed. (ECF

No. 6.)

2. Thereafter, Petitioner submitted another IFP application, which the Court has yet to

consider. (ECF No. 9.)

3. On February 6, 2015, the Court denied the Petition, and declined to issue a certificate of

appealability. (ECF No. 24.) Petitioner sought to appeal the denial on May 15, 2015. (ECF No.

26.)

4. Because the availability of IFP status in this Court affects Petitioner's IFP status on appeal,

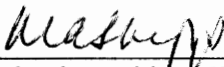the Court will consider the previously-filed IFP application. Having reviewed the application, the

Court finds that Petitioner is not entitled to IFP status, because Petitioner's prison account statement shows that he had over $200 in his prison account in the preceding six months prior to the filing of the Petition. (*See* ECF No. 9-1 at 3.) This renders Petitioner ineligible for IFP status. *See* L. Civ. R. 81.2(c) ("If the prison account of any petitioner or movant exceeds $200, the petitioner or movant shall not be considered eligible to proceed *in forma pauperis*").

IT IS therefore on this /ˢᵗ day of ___July___, 2015,

ORDERED that Petitioner's Application to Proceed IFP, ECF No. 9, is hereby DENIED; it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular mail.

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Michael A. Shipp, U.S.D.J.

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